

No. 11(112)-80-3Lab/10007.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Bright Metal Kotting 13/6, 37-A, D.L.F., Mathura Road, Faridabad :—

BEFORE SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 241 of 1980

between

SHRI DEV NARAIN, WORKMAN AND THE MANAGEMENT OF M/S BRIGHT
METAL KOTTING, 13/6, 37-A, D.L.F., MATHURA ROAD, FARIDABAD

Present :—

Shri R. L. Sharma for the workman.

Shri Chander Parkash with Shri K. K. Prashar for the management.

AWARD

This reference No. 241 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/60-80/22687, dated 2nd May, 1980 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Dev Narain, workman and the management of M/s Bright Metal Kotting, 13/6, 37-A, D.L.F., Mathura Road, Faridabad. The term of reference was :—

Whether the termination of services of Shri Dev Narain, was justified and in order ?
If not, to what relief is he entitled ?

After receiving the order of reference, notices were issued to both the parties. Both the parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed :—

1. Whether the workman has received his full and final payment and left the job on his own accord (O.P.M.).
2. Whether the termination of services of the workman is proper, justified and in order? If not, to what relief is he entitled ?

The case was fixed for recording of evidence of the management for 23rd July, 1980. On that day both the parties wanted a date for settlement and the case was fixed for settlement on 31st July, 1980. On 31st July, 1980, Shri Chander Parkash, proprietor made a statement that the workman had resigned from the company on his own accord and received a sum of Rs. 504 in full and final settlement of all his accounts. Now nothing remained due of the workman. This statement of the management was also agreed to by the representative of the workman who stated that the workman had received his full and final account from the management. He further stated that the workman had forgiven his right of reinstatement, re-employment. Under these circumstances he did not want to pursue this reference.

In the light of the above statement made by both the parties, I hold that the demand raised by the workman against the management leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties.

This be read in answer to this reference.

Dated, the 22nd August, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court,
Haryana, Faridabad.

Endt. No. 1573, dated 25th August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that receipt of the award may please be acknowledged within week's time.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court,
Haryana, Faridabad.

No. 11(112,-80-3 Lab./10008.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s Partap Steel Rolling Mills Pvt. Ltd. (Refractory Division), Plot No. 74, Sector 25, Ballabgarh :—

IN THE COURT OF SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference Nos. 46 of 1980, 43 of 1980 and 44 of 1980

between

S/SHRI SUKH RAM-II, MAUJ KHAN & AJMER SINGH, WORKMEN AND THE MANAGEMENT OF M/S PARTAP STEEL ROLLING MILLS PRIVATE LIMITED (REFRACTORY DIVISION), PLOT NO. 74, SECTOR-25, BALLABGARH.

Present :—None for the workmen.

Shri S. C. Malik, Time Office Incharge along with

Shri K. P. Aggarwal for the management.

AWARD

These reference Nos. 46 of 1980, 43 of 1980 and 44 of 1980 have been referred to this court by the Hon'ble Governor of Haryana,—vide his order Nos. ID/PD/7/80/6383, dated 4th February, 1980, 6371, dated 4th February, 1980 & 6377, dated 4th February, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Sarvshri Sukh Ram-II, Mauj Khan and Ajmer Singh workmen and the management of M/s Partap Steel Rolling Mills Private Limited (Refractory Division), Plot No. 74, Sector-25, Ballabgarh. The terms of the reference were :—

Whether the termination of services of Sarvshri Sukh Ram-II, Mauj Khan and Ajmer Singh were justified and in order? If not, to what relief are they entitled?

After receiving these references, notices were issued to both the parties who appeared and filed their pleadings. On 2nd April, 1980, I consolidated Reference Nos. 43 & 44 of 1980 with the File Reference No. 46 of 1980 of Shri Sukh Ram-II as these references are of the same facts and law and the following issues are framed :—

1. Whether the services of the workmen have been terminated by the management? If so, to what effect? OPW
2. If the services of the workmen were terminated by the management, whether the termination of the services of the workmen is justified? OPM
3. Whether the workmen abandoned their services of their own accord?
4. Relief?

Then the case was fixed for the evidence of the workmen. On 1st August, the representative of the workmen Shri P. K. De had withdrawn from these references voluntarily. In these circumstances, I had to proceed *ex parte* against the workmen and the case was fixed for the *ex parte* evidence of the management for 4th August, 1980.

On 4th August, 1980, the *ex parte* evidence of the management was recorded. The management produced Shri S. C. Malik, Time Office Incharge of the respondent, management its sole witness as MW-1. He made a statement that Sarvshri Sukh Ram-II, Mauj Khan and Ajmer Singh workmen approached to the management for the settlement and a settlement under section 18(1) of the I.D. had been arrived—Act, 1947, between the parties. The settlement copy of Shri Sukh Ram-II is Ex. M-6, Mauj Khan is Ex. M-2 and Ajmer Singh is Ex. M-1. According to these settlements the workmen Sarvshri Sukh Ram-II, Mauj Khan and Ajmer Singh have taken their full and final dues from the management which the photo copy of this receipt are Ex. M-6, M-5 and M-4, respectively. He further stated that the workmen have also foregone the right of reinstatement or re-employment with the management as per terms and conditions of the settlement. He has also stated that now there is no dispute left between the parties.

In view of the un-rebutted *ex parte* evidence produced by the management, I am left with no choice except to believe the version of the management. Over and above this my finding gets support from the absention of the workmen in these proceedings in this court in these references. I feel that the workmen had settled their dispute with the respondent-management and no claim is made out of the workmen against the management. I give my award accordingly. No order as to costs. This may be read in answer of these references Nos. 46 of 1980, 43 and 44 of 1980.

Dated, the 22nd August, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1572, dated the 25th August, 1980.

Forwarded (for copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above-said award may please be acknowledge within week's time.

Dated, the 22nd August, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.